



# **TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A PRIOR PATENT**

Docket Number (Optional)  
36729-198472

In re Application of: David W. Nelson

Application No. 10/719,063

Filed: November 24, 2003

For: Capturing Device for Insects

The owner\*, David W. Nelson of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,651,379. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney of record.

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65.00 DA

7/25/05

Signature

Date

Andrew C. Aitken

Typed or printed name

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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\*Certification under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).  
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, P. O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

07/26/2005 JADD01

02 FC:2814

# FEE TRANSMITTAL for FY 2005

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$) 125

## Complete if Known

Application Number 10/719,063  
Filing Date 11/24/03  
First Named Inventor David W. Nelson  
Examiner Name Rowan  
Group / Art Unit 3643  
Attorney Docket No. 36729-198472

## METHOD OF PAYMENT (check one)

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit  
Account  
Number

22-0261

Deposit  
Account  
Name

Venable LLP

- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17  
☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit card ☐ Money Order ☐ Other

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Fee Code	Entity Fee(\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
1011	300	2011	150	Utility filing fee	
1012	200	2012	100	Design filing fee	
1013	200	2013	100	Plant filing fee	
1014	300	2014	150	Reissue filing fee	
1005	200	2005	100	Provisional filing fee	
1081	250	2081	125	Utility App. Size Fee	
1082	250	2082	125	Design App Size Fee	
1083	250	2083	125	Plant App. Size Fee	
1084	250	2084	125	Reissue App Size Fee	
1085	250	2085	125	Prov. App Size Fee	

SUBTOTAL (1)

(\$0)

### 2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
-20 **	X		
Independent Claims	-3**	X	
Multiple Dependent		X	

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
1202	50	2202	25	Claims in excess of 20
1201	200	2201	100	Independent claims in excess of 3
1203	360	2204	180	Multiple dependent claim, if not paid
1204	200	2204	100	** Reissue independent claims in excess of three
1205	50	2205	25	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$)

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

Fee Code	Lrg Ent Fee (\$)	Fee Code	Sm Ent Fee (\$)	Fee Description	Fee Paid
1111	500	2111	250	Utility Search Fee	
1112	100	2112	50	Design Search Fee	
1113	300	2113	150	Plant Search Fee	
1114	500	2114	250	Reissue Search Fee	
1311	200	2311	100	Utility Examination Fee	
1312	130	2312	65	Design Examination Fee	
1313	160	2313	80	Plant Examination Fee	
1314	600	2314	300	Reissue Examination Fee	
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	120	2215	60	Extension for reply within first month	\$60
1252	450	2252	225	Extension for reply within second month	
1253	1,020	2253	510	Extension for reply within third month	
1254	1,590	2254	795	Extension for reply within fourth month	
1255	2,160	2255	1080	Extension for reply within fifth month	
1401	500	2401	250	Notice of Appeal	
1402	500	2402	250	Filing a brief in support of an appeal	
1403	1,000	2403	500	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	500	2452	250	Petition to revive - unavoidable	
1453	1,500	2453	750	Petition to revive - unintentional	
1501	1,400	2501	700	Utility issue fee (or reissue)	
1502	800	2502	400	Design issue fee	
1503	1,100	2503	550	Plant issue fee	
1807	50	1807	50	Processing fee under 37 CFR 1.17 (q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	

Other fee (specify) Terminal Disclaimer

\$65

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$125)

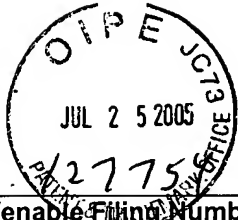
## SUBMITTED BY Complete (if applicable)

Name (Print/Type) Andrew C. Aitken Reg No. Attorney/Agent 36,729 Telephone 202-344-4000  
Signature Date July 25, 2005

VENABLE  
ATTORNEYS AT LAW

PC Docs No. 667965

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## PATENT PROSECUTION RECEIPT OF FILING

Venable Filing Number

Atty. Docket No: 36729-198472

Title of Application: Capturing Device for Insects

Application No: 10/719,063

Patent No. :

Attorney/LAA: ACA/mo

PTO Due Date: 7/23/05 (Saturday)

Current Date: 7/25/05

Filing Date: 11/24/03

Issue Date:

The following items were received from Venable LLP, Washington, D.C., by the U.S. Patent & Trademark Office on the date stamped hereon:

### U.S. PTO FEES ENCLOSED

- ☐ Transmittal Letter  
☒ Fee Transmittal Letter  
☐ New U.S. Provisional Application (      pages of specification/claims)  
☐ Rule 53(d) Continued Prosecution Application  
☐ Rule 53(b) Continuation or Divisional Application (**attach copy of specification, claims, drawings and declaration**)  
☐ U.S. National Stage Application of PCT Application  
☐ Request for Continued Examination (RCE) under 37 CFR 1.114  
☒ Response w/Extension of time  
☐ Substitute Specification  
☐ Priority Document-Cert. Copy of Appln.#:      ; Country  
Date Filed:  
☐ Formal Drawings (      sheets,      Figs.)  
☐ Inventor Declaration  
☐ Assignment w/Cover Sheet  
☐ Response to Notice to File Missing Parts  
☐ Response to Notice to File Missing Requirements  
☐ Response to Restriction Requirement  
☐ Information Disclosure Statement with      cited references  
☐ Response  
☐ ☐ Amendment/☐ Preliminary Amendment  
☐ Petition/Request for Extension of Time (      mo. ext.)  
☐ Power of Attorney  
☐ Petition to Revive  
☐ Sequence Listing – CDR Enclosed? ☐ Yes ☐ No  
☐ Request for Non-Publication  
☐ Request to Rescind Non-Publication Request  
☒ Terminal Disclaimer  
☐ Notice of Appeal  
☐ Appeal Brief (**in triplicate**)  
☐ ☐ Reply Brief (**in triplicate**)/ ☐ Request for Oral Hearing  
☐ Confirmation of Hearing Petition  
☐ Issue Fee Transmittal  
☐ Certificate of Correction  
☐ Maintenance Fee Transmittal  
☐ Status Inquiry  
☐ Other: (**Please describe below**)

\_\_\_\_ Filing Fee

\_\_\_\_ Surcharge Fee

\_\_\_\_ Additional Claim Fee

\_\_\_\_ Recordation/Indexing Fee

\_\_\_\_ IDS Fee

60. \_\_\_\_ Extension Fee

\_\_\_\_ Notice of Appeal Fee

\_\_\_\_ Brief on Appeal

\_\_\_\_ Oral Hearing Request Fee

\_\_\_\_ Petition Fee

\_\_\_\_ Issue Fee

\_\_\_\_ Publication Fee

\_\_\_\_ Maintenance Fee

65. \_\_\_\_ Other Fees (Describe)  
\_\_\_\_ Terminal Disclaimer

125.00 \_\_\_\_ Total Fees Paid

☐ Check Number

Attached

☒ Charge Deposit Account No.  
22-0261\*

\*If the Deposit Account was  
used, was a copy of this form  
sent to Accounting?  
☐ Yes ☐ No